

Baker Hostetler

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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August 16, 2007

Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, DC 20463
Attention Alva DeJarnett-Miller

Re: MUR 5930

Dear Ms. DeJarnett-Miller:

I am in receipt of your letter of August 7, 2007 with an enclosed complaint from the Ohio Democratic Party. The complaint alleges that Kirk Schuring and Citizens for Schuring Congressional Exploratory Committee have violated the Federal Election Commission Act ("Act") because Mr. Schuring has not filed a statement of candidacy with the Federal Election Commission ("Commission"). The complaint is wholly without merit. The Commission's regulations require a clear and concise recitation of facts which describe a violation of the Act (11 C.F.R. § 111.4(d)). The complaint recites no facts showing a violation of the Act. The complaint is simply a misuse of the Commission enforcement process.

Mr. Schuring is not a candidate for any federal elective office. He has not yet made a decision as to whether he will seek election to the House of Representatives from the 16th District in the State of Ohio. He has expended no funds seeking the office. He will continue to test the waters before making a determination as to whether he should seek the office. He has publicly stated he would decide upon his possible candidacy only following a decision of the incumbent member, Congressman Ralph Regula, on his reelection plans.

The Commission regulations list a number of activities that indicate an individual has decided to become a candidate. Mr. Schuring has not used general public political advertising to publicize an intention to campaign for Congress. He has not authorized or made any statements referring to himself as a congressional candidate. He has not taken steps to qualify for the ballot as a congressional candidate under Ohio law. The election is still many months away, so campaign activities could not be undertaken in close proximity to the election (11 C.F.R. § 100.72(b)).

The Ohio Democratic Party seeks only a press account linking Mr. Schuring to an allegation of law violation. The Ohio Democratic Party is far too experienced with

campaign planning and the Act's requirements to have a good faith belief that Mr. Schuring has failed to comply. The amount of \$136,000 is not in excess of what can be reasonably expended to explore a potential candidacy for Congress. The fact that significant funds have not yet been expended to test the waters provides no basis to conclude that these funds will not be spent for testing the waters at a later date. The election next year will likely be very hotly contested with total campaigns' expenditures likely to be in the multimillions.

A candidate who has significant personal wealth may not need to raise funds for exploring a potential congressional campaign, but a candidate without these resources must raise funds to explore a race. Mr. Schuring could have raised the funds which the Ohio Democratic Party objects to in its complaint without any public disclosure. Mr. Schuring has voluntarily decided to disclose his activities. Permitting this type of spurious complaint to linger in the Commission's enforcement process will only encourage additional meritless filings. This matter should be closed with no further action.

Sincerely,



E. Mark Braden

Encl.: Affidavit and Designations of Counsel

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use separate for each Respondent/Client.
FAX (202) 218-8882

NRFC 5930

NAME OF COUNSEL: MARK BRADEN

FIRM: BAKER & HOSTETLER LLP

ADDRESS: 1050 CONNECTICUT AVENUE, N.W.

WASHINGTON, DC 20036

TELEPHONE- OFFICE (202) 861-1504

FAX (202) 861-1783

The above-named individual and/or firm is hereby designated as my
agent and is authorized to receive my notifications and other communications
from the Commission and to act on my behalf before the Commission.

8-13-07
Date

Kirk Schuring
Respondent/Client Signature

Title

RESPONDENT/CLIENT KIRK SCHURING

(Please Print) CITIZENS FOR SCHURING CONGRESSIONAL REFORMATORY COMMITTEE

MAILING ADDRESS: 400 MARKET AVE NORTH

SUITE 400

CANTON, OH 44702

TELEPHONE-HOME

BUSINESS (330) 478-2900

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(d)(1)(B) apply. This section prohibits making public any information conducted by the Federal Election Commission without the express written consent of the person under investigation.

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Kirk Schuring

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20003

STATEMENT OF SUBSIGNATION OF COUNSEL
I hereby authorize my agent to represent me before the
Federal Election Commission

FORM 2 5-2-02

NAME OF COUNSEL: MARK BAKER

FIRM: BAKER & HOSTETLER LLP

ADDRESS: 1050 CONNECTICUT AVENUE, N.W.

WASHINGTON, DC 20036

TELEPHONE- OFFICE: (202) 651-1804

FAX: (202) 651-1783

The above-named individual and/or firm is hereby designated as my
agent and is authorized to receive my notifications and other communications
from the Commission and to act on my behalf before the Commission.

8-14-07

Paul Schervish

TREASURER

RESPONSIBLE PARTY: THOMAS H. SCHERVISH

(Please Print)

MAILING

ADDRESS:

CITIZEN FOR SENSING CONGRESSIONAL EXPENDITURE COMMITTEE

400 MARKET AVE NORTH

CANTON, OH 44702

TELEPHONE-HOME

BUSINESS

I declare that the information provided on this statement was true and correct at the time it was provided to the Federal Election Commission and I understand that providing false information is a violation of the Federal Election Campaign Act of 1971, as amended, and may result in civil or criminal penalties.

Reg. 2006

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